



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,938	08/24/2001	Kraig J. Kasler	LD 11618 GEC 2 0555	4500

7590

07/26/2005

Timothy E. Nauman, Esq.  
Fay, Sharpe, Fagan, Minnich & McKee, LLP  
7th Floor  
1100 Superior Avenue  
Cleveland, OH 44114-2518

EXAMINER

GRAYSAY, TAMARA L

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/938,938

Applicant(s)

KASLER ET AL.

Examiner

Tamara L. Graysay

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date (2 pages).
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because
  - a. Figure 18 does not include reference character/element 35; however, it is described as an alternative embodiment between steps 14 and 35.
  - b. Figure 19 does not include reference character/element 22; however, it is described as an alternative embodiment between steps 14 and 22.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 1 and 10 define a lead as a sales presentation, the specification must provide proper antecedent basis for claimed subject matter. The specification reads that leads are sales leads, not sales presentations.

***Claim Objections***

3. Claims 1-8 are objected to because of the following informalities:
- Claim 1, although the claim recites the product replacement page “generates” replacement or upgrade products for a customer, the claim has been interpreted as though the product replacement page is capable of generating information about a product since the page, as disclosed in the present application, does not generate the product.
  - Claim 8, “sing-in” should be sign-in and has been treated as such.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to nonstatutory subject matter.

The claimed invention recites a “tool” for generating pages representative of sales presentations. The sales presentations are nothing more than graphical displays. Graphical displays are generally a bitmapped file that contains a header followed by bytes of data that contain the image as a pattern of bits. The tool for merely generating sales presentations is computer software that makes up the images. Therefore, one reasonable interpretation of the claim is that it recites a tool (for merely generating sales presentations) in the form of a computer program *per se*. A computer program *per se* does not define any structure and functional

Art Unit: 3623

interrelationships that permit the computer program's functionality to be realized. Therefore, the computer program *per se* is nonstatutory subject matter.

Alternatively, the claimed invention recites a tool comprised of pages. The pages are data, i.e., nonfunctional descriptive material. Nonfunctional descriptive material is nonstatutory subject matter.

Therefore, claims 1-8 are directed to nonstatutory subject matter.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Interactive (article, Interactive sales media turn up the wow factor).

NOTE: Applicant is claiming automation of a standard sales presentation method. The labeled pages that are linked or associated with particular data via buttons is merely a way of moving between pages, not unlike turning the pages of a manual using tabs that extend beyond the edge of pages in a manual. It would have been obvious to one of ordinary skill in the art to automate because merely using a computer to automate a known process does not by itself impart nonobviousness to the invention. See *Dann v. Johnston*, 425 U.S. 219, 227-30, 189 USPQ 257, 261 (1976); *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

a. Regarding claim 1, Interactive discloses a tool for generating sales presentations comprising:

- a lead page configured to include a selectable new lead button and a selectable existing lead button, wherein leads are sales presentations;

Art Unit: 3623

The sales agent selects, i.e., generates a new lead (presentation) for a particular customer (doctor) or uses an existing lead (presentation) within the computer. Although not particularly mentioned, the examiner takes Official notice that the use of buttons is a well known expedient in the art of page development to associate data with a graphical display. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Interactive to include a page that links to a presentation either selecting a pre-existing presentation or beginning a customized presentation.

- a new lead data entry page linked to the new lead button having defined data entry requirements to permit generation of a new lead;

The sales agent enters data for a new presentation by using the computer to generate a lead including several different tracks of interactivity, when generating a new presentation, for a particular customer (doctor) as mentioned at page 72, third paragraph.

- an existing lead page linked to the existing lead button designed with a listing of existing leads callable by a user;

The sales agent generates, i.e., uses an existing lead / presentation from within the computer as mentioned at page 72, .

- a lead generation page which generates a first call sales presentation, dynamically using data entered by the user;

The lead generation page is discussed at page 74, second paragraph, the rep brings up a specific product line and at page 73, third paragraph, the sales presentation allows the rep to tailor the presentation.

- a follow-up call data entry page having data entry sections, for entering data specific to a customer, the data obtained during presentation of the first call sales presentation to the customer;

The follow-up call page is mentioned at page 74, third paragraph, the sales agent collects the information.

- a product replacement page which generates replacement or upgrade products for a customer; and

The product replacement page is mentioned at page 74, third paragraph, the listing of products that best fit.

- a follow-up sales presentation page for generating a follow-up sales presentation for the customer including the replacement of upgrade products.

The follow-up sales presentation page is mentioned at page 74, fourth paragraph, client-specific literature is ordered on the spot.

- b. Regarding claim 2, Interactive includes a pre-call data page in the form of selectable market segments (mentioned at page 72, second paragraph, as product lines from which the rep selects a presentation).
- c. Regarding claim 3, the particular type of data or information that is accessed has not been given patentable weight in the apparatus claim because it is merely nonfunctional descriptive material. Nonfunctional descriptive material does not render obvious, that which is otherwise nonobvious. Further, the examiner takes Official notice that any product has a cost associated with it. The costs can include tangible and intangible costs that are tracked as part of an ordinary business expense. Therefore, it would have been obvious to one of ordinary skill in the art to modify Interactive to include a cost of light tool in order to report or track a lighting system.
- d. Regarding claims 5-7, the examiner takes Official notice that an intranet, the Internet, and wireless system are all well known expedients for connecting computers in a networking environment to ensure that the computers access current information. Therefore, it would have been obvious to one of ordinary skill in the art to modify Interactive to include a network (intranet, Internet, wireless system) in order to connect the computer used by a sales agent or rep to the most current product and sales information.

e. Regarding claim 8, the examiner takes Official notice that the use of sign-in page authentication techniques are well known expedients used by administrators in the information systems field to ensure that only authorized or approved persons have access to the information via a computer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Interactive to include sign-in page authentication, in order to ensure that only approved persons have access to the information in the computer.

f. Regarding claim 9, Interactive discloses a method for generating sales presentations. The claimed steps are nothing more than labeled web pages that are associated via buttons represented on the graphical display. The method is merely moving among the pages, not unlike turning the pages of a manual using tabs that extend beyond the edges of a manual page. The method does not generate any output or include any transformation of data. The examiner takes Official notice that the use of pages and the movement through various pages are expedients in the information technology field that allow a user to access information efficiently. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Interactive to include pages that are linked to presentation and client data contained in the computer server, in order to efficiently access desired information.

g. Regarding claim 10, Interactive inherently includes the step of moving to a pre-call data page having a plurality of selectable market segments, wherein selection of one of the market



segments generates a pre-call data sheet related to the selected market segment insofar as Interactive includes a pre-call data page in the form of selectable market segments (mentioned at page 72, second paragraph, as product lines from which the rep selects a presentation).

h. Regarding claim 11, the type of data, not the process, are further modified. The particular type of data or information that is accessed has not been given patentable weight in the apparatus claim because it is merely nonfunctional descriptive material. Nonfunctional descriptive material does not render obvious, that which is otherwise nonobvious. Further, the examiner takes Official notice that any product has a cost associated with it. The costs can include tangible and intangible costs that are tracked as part of an ordinary business expense. Therefore, it would have been obvious to one of ordinary skill in the art to modify Interactive to include a cost of light tool in order to report or track a lighting system.

i. Regarding claims 13-15, the examiner takes Official notice that transmitting data and pages by way of an intranet, the Internet, and wireless system are all well known expedients in a networking environment to ensure that the computers access current information. Therefore, it would have been obvious to one of ordinary skill in the art to modify Interactive to include a network (intranet, Internet, wireless system) in order to connect the computer used by a sales agent or rep to the most current product and sales information.

j. Regarding claim 16, the type of data, not the process, are further modified. The examiner takes Official notice that the use of sign-in page authentication techniques are well known

Art Unit: 3623

expedients used by administrators in the information systems field to ensure that only authorized or approved persons have access to the information via a computer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Interactive to include sign-in page authentication, in order to ensure that only approved persons have access to the information in the computer.

7. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Interactive (article, Interactive sales media turn up the wow factor) as applied to claims 1 and 9 above, and further in view of Sucec (article, Trends in the small business marketplace).

Sucec teaches an opportunity management system which generates reports regarding management of the sales process in the form of a customer relationship management system that tracks customer needs and assists sales force decision makers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Interactive to include reports related to customer opportunities, such as suggested by Sucec, in order to track customer needs and aid the sales force in making decisions about customers.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3623

- Targeting (article, The 1996 software guide: targeting and reaching the right customers for effectively) teaches Sales Support software systems at pages 38-43. Among the software packages are:
  - o Telemar (p.40) which integrates sales and marketing, and automates customer interactions company-wide.
  - o MSM (p.42) which automates sales and marketing coordinating all aspects including targeted marketing, campaign management, and lead management.
  - o TakeControl Sales (p.42) which offers online lead generation and management, and activity reports.
  - o WorldTrak (p.42) which mentions Group I Software, Inc. a provider of software for database marketing and publishing.
- Khandpur (book, Sales Force Automation) teaches automation of a sales force (p.59-62) including:
  - o lead / client generation (p.86-100)
  - o new leads (p.101-107)
  - o pre-call data (p.122-129)
  - o authentication (p. 48-50), and
  - o product replacement (p. 193, first paragraph).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (571) 272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



tlg  
20050711

  
**SUSANNA M. DIAZ**  
**PRIMARY EXAMINER**

*AU 3623*